

EXHIBIT B

From: [Lenny Sandlar](#)
To: [Alex Folkerth](#)
Cc: [Mara Waligurski](#); [Bobby Henssler](#); [Guy Petrillo](#)
Subject: RE: Doc Subp (Under Armour)
Date: Tuesday, June 7, 2022 6:08:49 PM

EXTERNAL SENDER

Hi Alex,

Yes. After applying all of the search parameters that you provided to our Client's personal email account, and subject to our Responses and Objections of April 1, we have located no documents that would be responsive under Fed. R. Civ. P. 26.

Please note that with respect to your request to search our Client's work email, our Client does not have possession, custody or control over her employer's email account(s) for the search period you requested.

Lenny Sandlar
Petrillo Klein & Boxer LLP
655 Third Avenue, 22nd Floor
New York, NY 10017
(646) 560-5986 (office)
(201) 675-1368 (mobile)

PLEASE NOTE: This e-mail, and any attachments to it, may contain PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or (646) 560-5986 and delete this e-mail from your computer.

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Friday, June 3, 2022 1:17 PM
To: Lenny Sandlar <lsandlar@pkblp.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Guy Petrillo <gpetrillo@pkblp.com>
Subject: RE: Doc Subp (Under Armour)

Hi Lenny,

Following up on the below. Have you run our search parameters?

Thank you,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Alex Folkerth

Sent: Tuesday, May 17, 2022 4:45 PM

To: 'Lenny Sandlar' <lsandlar@pkblp.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Guy Petrillo <gpetrillo@pkblp.com>

Subject: RE: Doc Subp (Under Armour)

Hi Lenny,

Thank you for your email. Here are our proposed search parameters:

- Date range: September 16, 2015 to November 1, 2019
- Sources: all personal and MSNBC email accounts
- Search terms:
 - "Plank"
 - "KP13@ua.com"
 - "KP13"
 - "KP"
 - "Under Armour"
 - "UA"
 - "Chef Curry"

Thanks,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Lenny Sandlar <lsandlar@pkblp.com>

Sent: Monday, May 16, 2022 7:16 AM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Guy Petrillo <gpetrillo@pkblp.com>

Subject: RE: Doc Subp (Under Armour)

EXTERNAL SENDER

Alex,

Guy asked me to respond to you since he is out of the office for the week.

Although we do not think anything more needs to be done, because a diligent search has already been conducted, as an accommodation to your firm and without waiver of our written objections of April 1, we agree to run a few targeted and reasonable search terms, meaning ones directly related to the doc specs in the subpoena.

For the avoidance of doubt, as counsel to a third party, we would make any relevance/burden determinations, consistent with our written objections. To the extent that, after such a determination, we do not run the entirety of your search terms, we will advise you of the search terms that we ran.

Concerning any deposition, we reserve our client's rights to seek relief.

Sincerely,

Lenny Sandlar
Petrillo Klein & Boxer LLP
655 Third Avenue, 22nd Floor
New York, NY 10017
(646) 560-5986 (office)
(201) 675-1368 (cell)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Friday, May 13, 2022 5:28 PM

To: Guy Petrillo <gpetrillo@pkblp.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

Guy,

Following up on the below.

Thank you,

T. Alex B. Folkerth

[Redacted]

655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058

[Redacted]

From: Alex Folkerth

Sent: Friday, May 6, 2022 4:27 PM

To: Guy Petrillo <gpetrillo@pkbllp.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

Guy,

Please find the protective order attached.

Thank you for clarifying that your search extended to the present; however, because you haven't provided the time period you searched, we still don't know the start date for the search.

We would like to better understand your proposal. Should we rely on your "representation that [you] will apply [our] terms to all accounts within [your] client's possession, custody, and control," or do you intend to determine unilaterally whether they are "materially different" from yours and "reasonable" before agreeing to use them? If you intend to make such a determination without letting us know what your search terms were, your proposal is not acceptable because we would still have no way to evaluate the sufficiency of your search.

Ultimately we are seeking a transparent process as intended by the discovery rules, and your refusal to be transparent could necessitate our taking your client's deposition to ask her how she conducted her search in response to our subpoena.

Thank you,

T. Alex B. Folkerth

[Redacted]

655 West Broadway, Suite 1900

San Diego, CA 92101
(619) 231-1058



From: Guy Petrillo <gpetrillo@pkbllp.com>

Sent: Thursday, May 5, 2022 12:07 PM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

EXTERNAL SENDER

Alex –

To clarify, our search was to *present, 2022*.

We have fully complied with the document subpoena but, by way of going the extra mile to cooperate with you, we are prepared to apply search terms that you send us, and to the extent materially different from ours (and reasonable) apply them, as explained yesterday. Please send these along so we can close this out. You have our representation that we will apply your terms to all accounts within our client's possession, custody, and control.

Please also send the discovery/protective order in the case, if any.

Kindly let us know that this works.

Thanks,
GP

Guy Petrillo
Petrillo Klein & Boxer LLP
655 Third Ave.
22d Floor
New York, NY 10017
212-370-0330 (main)
212-370-0331 (direct)
gpetrillo@pkbllp.com

PLEASE NOTE: This e-mail, and any attachments to it, may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or 0331 and delete this e-mail from your computer.

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Thursday, May 5, 2022 2:05 PM
To: Guy Petrillo <gpetrillo@pkblp.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

Guy,

Thanks for getting back to us. It seems you've received some inaccurate information about our complaint and allegations. The class period is September 16, 2015, to November 1, 2019 – not six quarters ending in 2016, as you stated. And the relevant time period for discovery extends well before and after that time.

Additionally, as you know, according to the Wall Street Journal, your client did email with Mr. Plank about relevant issues during that time. So, you're the one finding a creative way to make this complex. Why won't you just tell us what terms you used? What time period you searched? How many hits there were? And what email systems of your client's were searched? Then we can all have an informed discussion. In fact, providing the information we are seeking might obviate the need for any further inquiry, including a motion to compel – we would like to avoid unnecessary motion practice as much as I imagine you would.

Your response didn't answer our question directly. Are you confirming that you refuse to cooperate with the subpoena, as we've requested?

Thank you,

T. Alex B. Folkerth

[Redacted Signature]

655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058

[Redacted Contact Information]

From: Guy Petrillo <gpetrillo@pkblp.com>
Sent: Wednesday, May 4, 2022 5:01 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

EXTERNAL SENDER

Alex –

We have been quite overscheduled this Spring, so please excuse my late response to your email. Let me give your team our perspective. "Discovery on discovery" of the kind you seem to be seeking is only appropriate in special

circumstances. (Here are two cases: *Scherer v. FCA US*, 2021 WL 5494463 (S.D. Cal Nov. 23, 2021); and *Dalton v. Town of Siler City*, 2021 WL 4307149 (D. N.M Sept. 22, 2021)). Here, the nonparty document subpoena was straightforward in its document request categories and the terms we used fitting and equally straightforward given the document requests. There is no special circumstance presented and it is hard to see how even creative lawyers could make this discovery request seem complex and in need of phone calls and negotiation. (In other words, the circumstances -- involving a complaint centering on six quarters of allegedly flawed accounting ending in 2016, and a 2022 document subpoena to a third-party individual -- are not in the same ballpark as *Apple v. Samsung*, with Google as a third party.)

Nonetheless, in the interest of avoiding stress, please feel free to send us search terms you endorse and if they differ materially from what we already ran (and are reasonable), we will apply them and get back to you.

Stay well,
GP

Guy Petrillo
Petrillo Klein & Boxer LLP
655 Third Ave.
22d Floor
New York, NY 10017
212-370-0330 (main)
212-370-0331 (direct)
gpetrillo@pkbllp.com

PLEASE NOTE: This e-mail, and any attachments to it, may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or 0331 and delete this e-mail from your computer.

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Wednesday, May 4, 2022 7:11 PM
To: Guy Petrillo <gpetrillo@pkbllp.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

Guy,

Let's schedule a call to discuss your search and review. Or, if you refuse to cooperate further, please just let us know. If we don't hear from you by close of business on May 10, we will assume that you, on behalf of your client, are refusing to cooperate regarding the subpoena and will seek assistance

from the court. *See, e.g., Apple Inc. v. Samsung Elecs. Co. Ltd.*, 2013 WL 1942163, at *3 (N.D. Cal. May 9, 2013) (ordering a third party responding to a subpoena to produce its search terms and custodians to the requesting party to facilitate “an open, transparent discovery process”).

Thank you,

T. Alex B. Folkerth

[Redacted]

655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058

[Redacted]

From: Alex Folkerth

Sent: Wednesday, April 27, 2022 6:10 PM

To: Guy Petrillo <gpetrillo@pkblp.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

Hi Guy,

Just following up on the below. Again, I’m happy to discuss by phone if you’d like to set up a time to talk.

Thank you,

T. Alex B. Folkerth

[Redacted]

655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058

[Redacted]

From: Alex Folkerth

Sent: Wednesday, April 20, 2022 12:49 PM

To: Guy Petrillo <gpetrillo@pkblp.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

Hi Guy,

Thank you for your email. We would still like more information about the search. Did counsel run search terms, and if so what were they? Were there hits that were determined to be not relevant?

Best,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Guy Petrillo <gpetrillo@pkbllp.com>

Sent: Wednesday, April 20, 2022 5:13 AM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

EXTERNAL SENDER

Alex –

Counsel did the search and review of the available data and made all judgments on relevance.

Regards,

Guy

Guy Petrillo

Petrillo Klein & Boxer LLP

655 Third Ave.

22d Floor

New York, NY 10017

212-370-0330 (main)

212-370-0331 (direct)

gpetrillo@pkbllp.com

PLEASE NOTE: This e-mail, and any attachments to it, may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or 0331 and delete this e-mail from your computer.

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Tuesday, April 19, 2022 7:30 PM
To: Guy Petrillo <gpetrillo@pkbllp.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

Hi Guy,

Following up on the below. If you'd prefer to discuss by phone I have some availability on Thursday and Friday of this week.

Thanks,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Alex Folkerth
Sent: Monday, April 4, 2022 12:11 PM
To: Guy Petrillo <gpetrillo@pkbllp.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

Hi Guy,

Thanks for your email. Please provide more detail about your client's search. For example, did she run search terms, and if so what were they? Were there hits that were determined to be not relevant, and if so, who made that determination?

We look forward to discussing this matter with you further.

Thank you,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Guy Petrillo <gpetrillo@pkbllp.com>
Sent: Friday, April 1, 2022 1:14 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

EXTERNAL SENDER
Please see attached.

Regards,

Guy Petrillo
Petrillo Klein & Boxer LLP
655 Third Ave.
22d Floor
New York, NY 10017
212-370-0330 (main)
212-370-0331 (direct)
gpetrillo@pkbllp.com

PLEASE NOTE: This e-mail, and any attachments to it, may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or 0331 and delete this e-mail from your computer.

From: Guy Petrillo
Sent: Wednesday, March 30, 2022 8:47 AM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

Alex –

This week.

Thanks,

Guy

Guy Petrillo
Petrillo Klein & Boxer LLP
655 Third Ave.
22d Floor
New York, NY 10017
212-370-0330 (main)
212-370-0331 (direct)

gpetrillo@pkbllp.com

PLEASE NOTE: This e-mail, and any attachments to it, may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or 0331 and delete this e-mail from your computer.

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Tuesday, March 29, 2022 8:39 PM

To: Guy Petrillo <gpetrillo@pkbllp.com>

Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>

Subject: RE: Doc Subp (Under Armour)

Hi Guy,

I hope this finds you well. The deadline for responding to our subpoena has now passed. When should we expect your client's responses?

Thank you,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Guy Petrillo <gpetrillo@pkbllp.com>

Sent: Friday, February 25, 2022 3:51 PM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>
Subject: Re: Doc Subp (Under Armour)

EXTERNAL SENDER

Thanks.

GP

Get [Outlook for iOS](#)


From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Friday, February 25, 2022 6:31:29 PM
To: Guy Petrillo <gpetrillo@pkblp.com>
Cc: Mara Waligurski <MWaligurski@rgrdlaw.com>
Subject: RE: Doc Subp (Under Armour)

Hi Guy,

We have cancelled the instruction and appreciate your acceptance of service. We look forward to receiving your responses to our subpoena (and will accept them via email, if that is convenient for you).

Thanks,

T. Alex B. Folkerth



655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058



From: Guy Petrillo <gpetrillo@pkblp.com>
Sent: Friday, February 25, 2022 3:15 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Subject: Doc Subp (Under Armour)

EXTERNAL SENDER

Mr. Folkerth –

A process server attempted to serve Stephanie Ruhle Hubbard today. We represent Ms. Hubbard and will accept service. It would be appreciated if you would cancel the instruction to serve her personally.

Thanks,

Guy

Guy Petrillo
Petrillo Klein & Boxer LLP
655 Third Ave.
22d Floor
New York, NY 10017
212-370-0330 (main)
212-370-0331 (direct)

gpetrillo@pkbllp.com

PLEASE NOTE: This e-mail, and any attachments to it, may contain **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the addressee. If you are not the intended recipient, or an agent or employee responsible for delivering this e-mail to the intended recipient, please do not disseminate or copy this e-mail or the information contained in or attached to it. If you have received this e-mail in error, please immediately notify us by return e-mail or by telephone at (212) 370-0330 or 0331 and delete this e-mail from your computer.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This email message is for the sole use of the intended

recipient(s) and may contain information that is confidential and protected from disclosure by the attorney-client privilege, as attorney work product, or by other applicable privileges. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.